



## CITY OF HAYWARD AGENDA REPORT

PLANNING COMMISSION

MEETING DATE 02/24/00

AGENDA ITEM 2

**TO:** Planning Commission

**FROM:** Philip W. Block, Associate Planner

**SUBJECT:** Use Permit Application No. 99-150-26 – Daniel Franko, Allied Mortgage (Applicant/Owner) – Request for a Second Driveway onto Jackson Street and to Reconfigure the Parking for the Auto Repair Facilities at 528 Jackson Street – This is a Modification of UP/VA 87-29

### RECOMMENDATION:

The staff recommends that the Planning Commission find that the project is exempt from environmental review and that it be denied based on the attached findings.

### DISCUSSION:

#### *Setting*

The project is located at 528 Jackson Street, on the north side of Jackson Street between Meek Avenue and Winton Avenue in a CN (Neighborhood Commercial) District. See Attachment A area plan. The parcel is irregularly shaped with 211.92 feet of frontage on Jackson Street. The property ranges from approximately 45 to 120 feet in depth and contains approximately 17,493 square feet.

#### Adjacent land use and zoning:

- North: Single-family dwellings and duplexes, zoned RM (Medium Density Residential) District.
- East: Vacant lot and Mini Mart, zoned CN (Neighborhood Commercial) District
- South: Across Jackson Street, U-Haul Rental Center, tattoo shop, Mexican restaurant zoned CG (General Commercial) District.
- West: Jackson/Winton Square Shopping Center, zoned CN District.

#### *Proposal*

The request is to create a second driveway for exiting purposes. Specifically, the applicant proposes to narrow the existing 46-foot entrance/exit curb cut to 38 feet and make it entrance only. Existing parking spaces Nos. 15 and 16 would be removed and replaced with a 16-foot

wide exit only driveway. Directional arrows and entrance only and exit only signs would be installed. Parking space No. 14 would become a handicapped space. See attached existing and proposed site plans. The applicant indicates that the proposal would improve circulation on the property.

### *Zoning History*

A service station existed at this location prior to 1961. Use Permit and Variance No. 90527 was approved in 1961 to permit the service station to operate with less than the usually required setback area. In 1986 unauthorized open storage of automobiles and auto parts led to a zoning violation citation. A court trial followed numerous time extensions.

In 1987, Use Permit and Variance 87-29 was approved to convert the service station to an automobile minor repair facility that had a total of eight service bays within two buildings. The two buildings are noted on the enclosed site plans. The approval was subject to 18 conditions. See Attachment C.

Subsequently there have been violations of certain required conditions. For example, the Planning Commission at its March 27, 1997 meeting expressed concern about the lack of landscape maintenance. On January 6, 2000 the Community Preservation Division initiated a zoning violation investigation because the property owner had been violating UP/VA 87-29 conditions that have to do with landscape installation, landscape maintenance, storage of inoperative vehicles and servicing vehicles in the driveway areas instead of the enclosed buildings.

### *Impact on Traffic Flow and Safety*

The City's goals are to reduce potential traffic conflicts by restricting driveway cuts. This policy is in the City's Design Guidelines which states *Restrict number of curb cuts to ease traffic and pedestrian flow on arterials and in commercial areas*. Jackson Street is a heavily traveled major arterial street that is also a state highway. It runs along the southeastern boundary of the Burbank neighborhood. The Burbank Neighborhood Plan states *Traffic and traffic-related problems have been identified as a major concern in the Burbank area*.

The Circulation Element of the City's General Plan policies designates Jackson Street as an arterial Street. It states *Arterials primarily serve through traffic. Access to adjacent land uses should be controlled for efficient service*. According to the City's Engineering and Transportation Division, Jackson Street is currently heavily traveled with 57,000 ADT (average daily trips).

These City of Hayward driveway management policies are important. As Hayward's streets become more congested and traffic collisions increase, access management become more important. The Institute of Transportation Engineers 1999 Traffic Engineering Handbook states:

*Simply said, the safety and efficiency of our transportation system will deteriorate if we do not manage access. Strip commercial development will be encouraged and the number of private driveways will proliferate. As the number of driveways increase, traffic congestion and the number of traffic accidents will increase. Over time, and where feasible, roads will have to be widened to make up for capacity loss due to inefficient traffic operations. The incompatibility of servicing both land uses and traffic will become more severe and neighborhood streets will be used to bypass congested intersections and roadways sections. The large investment we have made in our roadway infrastructure will be squandered.*

When the previous gas station occupied the site there were many driveways. An important requirement in approving UP/VAR 87-29 was reducing the number of driveways from the previous service station to the present one driveway. Staff believes that through site management regarding deliveries, customer parking and keeping all repair work in the repair bays, it is possible for the tenant businesses to function efficiently with the one driveway.

Reducing the number of driveways encourages pedestrians utilizing sidewalks by decreasing conflict points, which in turn reduces the potential for collisions. It also makes walking faster and more pleasant.

#### *Impact on Landscaping*

Another City goal is to provide as an attractive streetscape as possible by maximizing landscaping. The City's Design Guidelines state *Maintain continuity of streetscapes, facades and pathways, limiting driveways, parking lots or auto service bays which detract from character.*

The proposed second driveway would eliminate some of the landscaping adjacent to Jackson Street. It also would break up the visual continuity of the landscaping including its screening affect of the large sized auto repair service bays. Jackson Street is a heavily traveled arterial and state route that is often the main impression motorists have of Hayward. Therefore it is important for landscaping along Jackson Street to be as continuous and as of high a quality as possible.

Hayward's Landscape Beautification Plan designates Jackson Street as one of three entry streets into Hayward and downtown. The Plan states that *entry streets are the most critical streets for the visual image of Hayward. Beautification improvements along all entry streets should be given top priority due to their high visibility and importance.* The Plan calls for dense shrubs, berms and street trees to screen parking lots and strip commercial development on arterials such as Jackson Street. These landscaped areas should be as uninterrupted as possible.

### *Staff Parking Redesign Option*

In order to improve on site circulation without additional driveways, Staff suggested an option to the applicant that would eliminate 3 or 4 parking spaces (Nos. 1-3 and perhaps 4) located between the two existing auto repair buildings. This space could then be utilized as an onsite turnaround area to facilitate customer and delivery circulation. We believe this combined with onsite management would work reasonably well.

The Zoning Ordinance requires 9 parking spaces and there are presently 16 spaces. However, the applicant finds this staff option unacceptable because 3 or 4 parking spaces would be lost as opposed to two spaces (Nos. 15 and 16) with his request. Refer to the enclosed site plans. The applicant believes each parking space is important to his auto repair tenants.

### *Applicant's Justification*

The purpose of the requested second driveway is to improve onsite circulation for business customers and delivery vehicles and prevent vehicles from backing out on to Jackson Street from the existing entrance/exit driveway. The applicant believes he is merely requesting what other businesses on Jackson Street and other arterials have been allowed. He believes that the City required the closing of the previous service station related driveways on the site because at the time the City planned to widen the intersection of Jackson Street and Winton Avenue. The applicant believes the City no longer anticipates doing this and therefore he should be allowed back a driveway that previously existed on his site.

The applicant opposes the staff option of an onsite turnaround because 3 to 4 parking spaces would be lost compared to the 2 spaces from the applicant's proposed curb cut.

### *Environmental Review*

The proposal is defined as a project under parameters set forth in the California Environmental Quality Act (CEQA) Guidelines; however, it qualifies for a Categorical Exemption under Section 15301. Existing Facilities Class 1 (c) minor alterations to existing streets.

### **Public Notice**

On February 11, 2000 a Notice of Public Hearing was mailed to every property owner, business and resident within 300 feet of the property as noted on the latest assessor's records, and to former members of the Burbank Neighborhood Task Force and appropriate public agencies.

### *Other Approvals*

If the Planning Commission approves the request, the applicant will also have to obtain approval from Caltrans in order to construct the additional driveway.

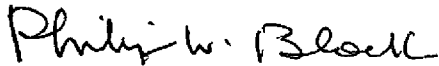
## Conclusion

The request is inconsistent with traffic related policies in the City's Design Guidelines, Burbank Neighborhood Plan and General Plan and landscape policies in the Design Guidelines. Therefore staff has recommended disapproval of the requested additional driveway. Staff has, however, suggested an alternative that involves converting a few parking spaces into an onsite turnaround area. We believe this would meet the objectives of both the City and applicant.

Regardless of the Planning Commission action on the request, the applicant/owner must comply with the conditions of the previously approved UP/VA 87-29. The lack of landscaping and landscape maintenance is particularly a problem.

If the Planning Commission were to conclude that a second driveway is warranted, staff would suggest reducing the existing driveway from its present 46 feet to 35 feet (the maximum allowed by City ordinance). One issue with maintaining such a wide driveway is that extra width encourages two way traffic.

Prepared by:



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Philip W. Block, AICP  
Associate Planner

Approved by:

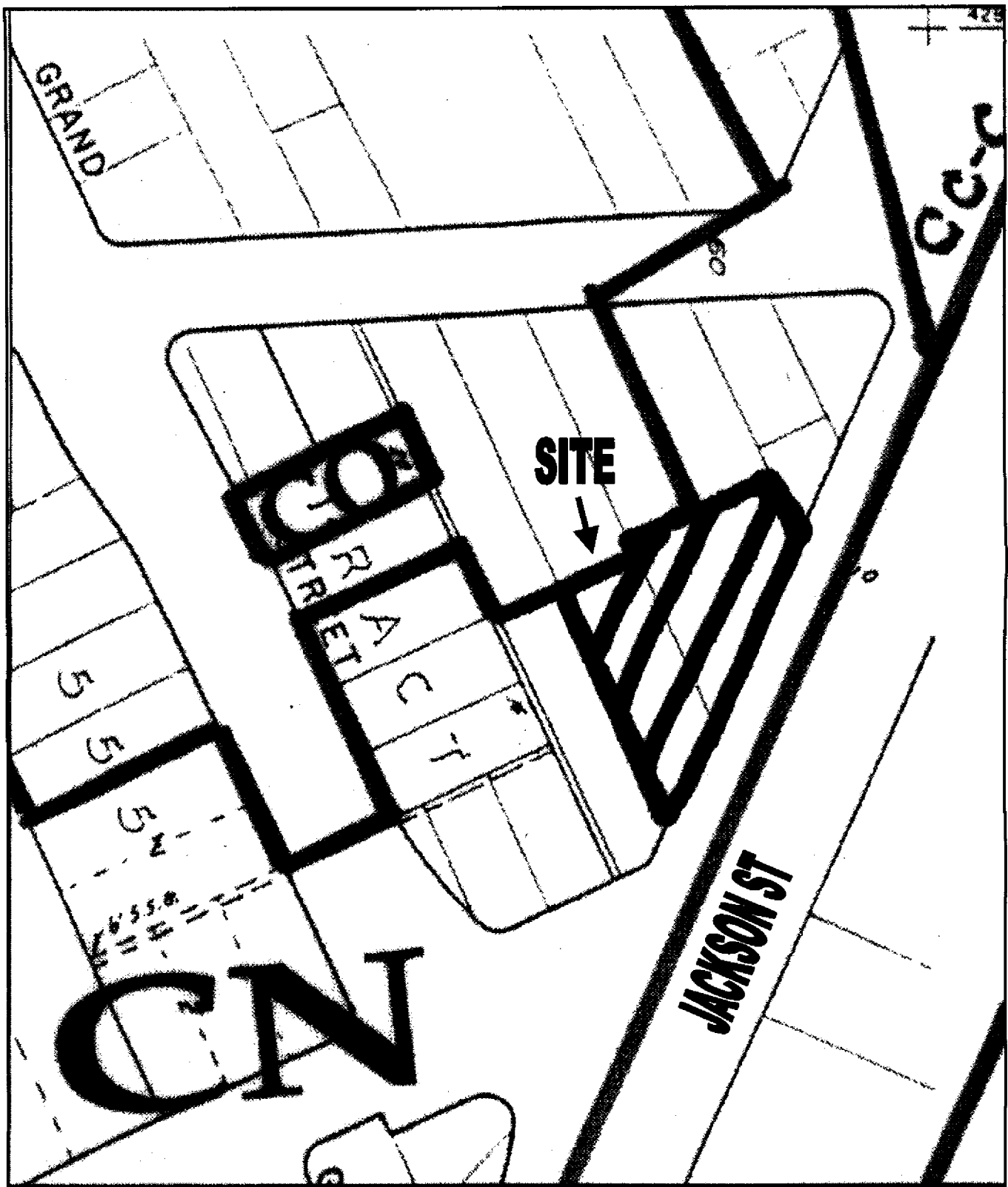


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Dyana Anderly, AICP  
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Denial
- C. Conditions of Approval
  - Existing Site Plan
  - Proposed Site Plan



AREA MAP FOR 528 JACKSON STREET

CONDITIONS OF APPROVAL

1. All improvements indicated on the approved site and landscape plan, as amended by staff and labeled Exhibit 'A,' must be installed prior to authorization for gas or electric meter service.
2. After initial installation, all plantings must be maintained, including replacement where necessary.
3. Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed, including an individual adjustable flood bubbler to each tree 15-gallon size or larger. Additional plant materials, including trees, shall be planted to help screen the viewshed into open bays in the car repair area.
4. Where any landscaped area adjoins driveways and/or parking areas, Class 'B' Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.
5. Outside utility meters, when not enclosed in a cabinet, shall be screened, allowing sufficient distance for reader access.
6. The developer shall contact the Fire Prevention Bureau for the location of standpipe systems, first aid fire appliances, and/or Fire Department connections.
7. Prior to the issuance of a building permit:
  - a. The developer shall submit a detailed revised sign plan to be approved by the Planning Director. Details of the proposed building sign(s), to be located within the mansard roof fascia area, shall be provided. Sign area for Building "A" shall be limited to 90 square feet and Building "B" to 40 square feet. The fascia on Building "B" shall match as closely as possible Building "A" where feasible.
  - b. The developer shall submit a detailed trash enclosure plan, the design and location to be approved by the Planning Director. The enclosure shall include a masonry block wall to match the block fence, solid wood gates and a wood trellis cover.
  - c. The developer shall install a 6 foot high masonry wall along the full length of the northerly property line, and a 20 foot return along the easterly property line, the design, location and materials to be approved by the Planning Director.
  - d. The developer shall include a detailed lighting plan to be approved by the Planning Director. Lighting shall be installed to reflect away from adjacent residents.
  - e. The developer shall submit a detailed landscape and irrigation plan to the City Landscape Architect for approval.
  - f. The developer shall submit a site drainage plan to the Planning Director for approval.
  - g. The developer shall submit a Record of Survey to the Alameda County Recorder.

- h. The existing fuel tanks shall be removed in accordance with the Hayward Fire Department Regulations.
8. Cal Trans permits shall be required for all work within the public right-of-way.
  9. The building(s) shall comply with all requirements of the Uniform Fire and Building Codes, including but not limited to State Title 24 Requirements.
  10. The building shall comply with all requirements of the Hayward Police Department Crime Prevention Bureau, including deadbolt locking devices on all doors and secondary locking devices on windows.
  11. Repair shall be strictly limited to minor automotive repair and replacement of automotive parts for motor vehicles less than 1-1/2 tons capacity, including, but not limited to engine tune-up and tire, muffler, brake and electrical work. Engine overhauling and replacement, transmission work, painting and body work, upholstery work and similar uses shall be prohibited.
  12. The storage or display of vehicles, operative or inoperative, shall be prohibited either within the parking area or within the building(s).
  13. All repair work and/or auto servicing shall be conducted entirely within the building(s). Repair work, parts storage or display in the open shall be prohibited.
  14. The display of banners, flags, pennants or similar devices shall be prohibited.
  15. All small car parking shall be clearly labeled.
  16. Driveway shall be constructed to SD110 standards.
  17. Violation of conditions is cause for revocation of permit after public hearing before the duly authorized review body.
  18. This permit becomes void on July 20, 1988, unless prior to that time substantial progress has been made toward the establishment of the structures approved or an extension has been approved. A request for a one-year extension(s), approval of which is not guaranteed, must be submitted to the Planning Director prior to the above date.

**Findings for Denial**  
**Use Permit No. 99-150-26**  
**Daniel Franko (Applicant/Owner)**

1. The proposed project is defined as a project under parameters set forth in the California Environmental Quality Act (CEQA) Guidelines; however, it qualifies for a Categorical Exemption under Section 15301. Existing Facilities Class 1 (c) minor alterations to existing streets.
2. The proposed additional driveway on Jackson Street is not desirable for the public convenience or welfare since it will add another private intersection to an already heavily traveled arterial street (and state highway) thus leading to a deterioration of efficient traffic flow.
3. The proposed additional driveway will impair the character and integrity of the CN (Neighborhood Commercial) District it is located in and will impair the character of the surrounding area by adding an unnecessary driveway and decreasing needed landscaping on an important public street.
4. The proposed driveway would be detrimental to public health, safety or welfare because each additional unnecessary driveway reduces traffic flow on Jackson Street, makes use of the sidewalk more difficult and makes an important travel way less attractive to those passing by.
5. The proposed use is not in general harmony with the zoning district involved and is in conflict with a number of city policies including the General Plan, Burbank Neighborhood Plan, Landscape Beautification Plan and Design Guidelines.